

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT ALLEN KITCHEN, SR.,	:	
Plaintiff	:	
	:	
v.	:	CASE NO. 1:16-CV-2129
	:	
PA BOARD OF PROBATION AND	:	
PAROLE, <i>et al.</i> ,	:	
Defendants	:	

*O R D E R*

AND NOW, this 19th day of September, 2017, in accord with the accompanying memorandum, upon consideration of the July 27, 2017 report and recommendation (Doc. 16) of Magistrate Judge Joseph F. Saporito, Jr., to which no objections were filed, and after independent review of the record, it is ORDERED that:

- (1) Defendants' motion (Doc. 13) to dismiss for failure to state a claim is GRANTED.
- (2) All claims in Plaintiff's amended complaint (Doc. 8) against Defendants are DISMISSED without prejudice.
- (3) Plaintiff is granted leave to amend. If Plaintiff desires to file a second amended complaint, he must do so within **twenty-one (21) days** of the date of this order.
- (4) This case is REMANDED to Magistrate Judge Joseph F. Saporito, Jr. for further proceedings.

/s/ William W. Caldwell  
William W. Caldwell  
United States District Judge